D.B. CIVIL CONTEMPT PETITION NO.218/2007
IN
D.B. CIVIL(PIL)WRIT PETITION NO.482/2006

Jai Narain Yadav
Vs.
Shri Lalit Kothari & Ors.

DATE OF ORDER :: 30-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Prahlad Singh, for the petitioner.

Alleging disobedience of the order of this Court dated 10.4.2007 in D.B. Civil(PIL)Writ Petition no.482/2006, the petitioner has filed this contempt petition for suitable action against the respondents. By the order dated 10.4.2006 a Bench of this Court directed that the circular dated 17.1.2005 shall henceforth be not given effect to till further orders.

The grievance of the petitioner in the writ petition is that by circular dated 17.1.2005, the Government has permitted conversion of agricultural land into non-agricultural land in violation of the objects of the Bhoodan Yagna Act.

It is not the case of the petitioner that any further conversion has been allowed subsequent to passing of the interim order dated 10.4.2006. The case of the petitioner is that constructions are being made on the land in question, and if they are allowed to continue, it may make the writ petition infructuous. It was stated that prayer was made for stay of further construction by

filing second stay application which was rejected with an observation that petitioner could file appropriate application for action against the authorities if the order of stay dated 10.4.2006 is not being implemented by the authorities.

We looked into the contents of second stay application from which it transpires that prayer was indeed made for stay of construction but it is clear from the order dated 13.2.2007 by which the second stay application was rejected that in course of hearing no such submission was made. Submission was made as if order dated 10.4.2006 was not being “implemented”. The petitioner cannot seek initiation of contempt proceeding alleging violation of the interim order dated 10.4.2006 as if by the said order constructions on the land in question were also stayed. While construction on the land may be one of the consequences of the circular dated 17.1.2005, it is clear that contempt petition does not lie on interpretations and inferences which may be drawn from the order. The remedy of the petitioner is to seek specific order restraining construction on the land.

In view of the what has been stated above it is open to the petitioner to file another application for stay of constructions on the land.

With these observations, the petition is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen